

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

YLY COYOTE CORP.,

Plaintiff,

v.

CIV 99-737 KBM

U.S. WEST,

Defendant.

- and -

Y/Y ENTERPRISES,

Plaintiff,

v.

CIV 99-738 KBM

AT&T,

Defendant.

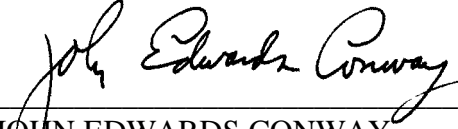
MEMORANDUM OPINION AND ORDER

THESE ACTIONS are *pro se, in forma pauperis* actions brought upon complaint forms intended for suits pursuant to 42 U.S.C. § 1983. This matter is before the Court on the assigned Magistrate Judge's request that I, as Chief Judge, review Plaintiff's complaints pursuant to 28 U.S.C. § 1915(e)(2). Magistrate Judge Molzen has expressed to me that she would dismiss the above cases as frivolous if she had the authority to do so. Because consents to proceed before the Magistrate Judge are not filed until after ruling on *in forma pauperis* status, however, she lacks the authority at present to either deny the *in forma pauperis* application or to dismiss the complaints. For that reason, I will address these actions with regard to Section 1915(e)(2).

The Court has discretion to dismiss an *in forma pauperis* complaint *sua sponte* under 28 U.S.C. §1915(e)(2)(B) if the Court determines that the action is frivolous or malicious or that the action fails to state a claim upon which relief may be granted. The Court may also dismiss a complaint *sua sponte* for failure to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(6) if "it is patently obvious that the plaintiff could not prevail on the facts alleged, and allowing him to amend his complaint would be futile." Hall v. Bellmon, 935 F.2d 1106, 1109 (10th Cir. 1991).

Many similarly-filed actions have been brought under the names of a number of different plaintiffs, but each has been filed by Mr. Ray F. Wylie who gives the same post office box as an address.¹ As in all of the actions thus filed by Mr. Wylie, Plaintiff fails to allege any actions which rise to the level of a constitutional claim. Further, to the extent which the complaints are legible, Plaintiff fails to state any cognizable claim at all.

IT IS THEREFORE ORDERED that Plaintiff's complaint in both of the above captioned action is dismissed *sua sponte* for failure to state a claim upon which relief can be granted.



JOHN EDWARDS CONWAY
CHIEF UNITED STATES DISTRICT JUDGE

¹ Review of Court records indicates that Plaintiff Ray Wylie has filed at least nine other actions under various permutations of the name "YLY Enterprises" or his own name.